

## REMARKS

Applicants thank the Examiner for consideration of the present application. The Office Action dated November 13, 2008 (hereinafter “the Office Action”) has been carefully reviewed. Claims 1-47 are pending in this application. Claims 10-33 and 35-47 have been previously withdrawn from consideration. Each of the pending, non-withdrawn claims 1-9 and 34 stands rejected in the Office Action. Claim 1 is amended herein. Reconsideration of each of the rejected claims in light of the remarks presented herein is respectfully requested.

## INTERVIEW SUMMARY

Applicant thanks the Examiner for the courtesies extended to Applicant’s representative during the telephonic interview held on June 09, 2009. During this interview, the Examiner’s interpretation of the movement of the rigid support 3 of Mincsovsics (WO 01/50123) was discussed. In particular, the Examiner explained her interpretation that the rigid support 3 of Mincsovsics moves toward the stationary phase 2, which is supported on and moves with the rigid support 3. Although Applicants disagree with the Examiner’s interpretation, Applicants have amended claim 1 to clarify the movement of the claimed die block as discussed below.

## 35 U.S.C. § 103 REJECTIONS

Each of claims 1-9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mincsovsics (WO 01/50123). Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mincsovsics in view of Nurok (U.S. Patent 6,303,029) and Tyihak (U.S. patent 4,346,001).

## INDEPENDENT CLAIM 1

The Office Action rejected claim 1 as being obvious in view of Mincsovcics. In supporting this rejection, the Office Action contends that Mincsovcics discloses “urging a die block toward a stationary phase (Figure 2, [0047]), die block is rigid support 3, stationary phase 2) so as to exert a pressure which is greater than atmospheric pressure against the stationary phase ([0047], Figure 2).” *Office Action*, page 2, ll. 7-11. The Office Action concedes that Mincsovcics fails to disclose a sample plate, but argues that a sample plate to support the stationary phase 2 would be obvious.

Applicants have amended independent claim 1 to recite that “the die block being moved relative to the sample plate.” Mincsovcics fails to disclose or suggest such a step. Rather, Mincsovcics clearly teaches that the stationary phase 2, and any sample plate supporting the stationary phase 2, moves with the rigid support 3 because the stationary phase 2 is supported on the rigid support 3. That is, even if it would be obvious to modify Mincsovcics to include a sample plate (an argument with which the Applicants do not agree), the rigid support 3 would be moved along with the sample plate and the stationary phase 2 rather than relative to the sample plate. Therefore, Mincsovcics fails to disclose or suggest at least this element of claim 1. Accordingly, claim 1 is believed to be in condition for allowance and such action is respectfully requested.

## DEPENDENT CLAIMS

Each of claims 2-9 and 34 include claim 1 as a base claim. As such, the rejection of claims 2-9 and 34 should be withdrawn for the reasons hereinbefore discussed with regard to claim 1. In light of the reasons for withdrawal of the rejection of claim 1, any arguments specific

to claims 2-9 and 34 are held in abeyance without prejudice or admission to any assertion made by the Examiner in order to expedite prosecution.

#### CONCLUSION

In view of the foregoing, it is submitted that this application is in a condition for allowance. Action to that end is hereby solicited. If there are any questions or comments that would speed prosecution of this application, the Examiner is invited to call the undersigned at (317) 261-7959.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response. The Commissioner is hereby authorized to charge the fee for such Petition and any shortage of fees, and credit any overpayment of fees, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 29920-79201.

Respectfully submitted,

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